

**IN THE DISTRICT COURT OF JEFFERSON COUNTY,
STATE OF OKLAHOMA**

G. GREGORY GRIFFIN,)
vs.)
Plaintiffs,)
HELENA AGRI-ENTERPRISES, and)
HELENA CHEMICAL COMPANY,)
Defendants.)

Case No. C-2019-7

FILED

MAY - 9 2019

KIM BERRY, COURT CLERK
JEFFERSON COUNTY

PETITION

COMES NOW the Plaintiff in the above-styled and numbered cause and for his petition, would show and inform the Court that :

1. The plaintiff is a resident of Jefferson County, State of Oklahoma, and the defendants are companies with offices located in Burkburnett, Texas, and also in Devol, Oklahoma.
2. This petition arises from actions taken by the defendants, their employees and agents on property owned by the plaintiff in Section 24, Township 3 South, Range 8 West, I. M., therefore jurisdiction and venue are proper in this court.
3. On or about May 31st, 2018, the defendants sprayed certain chemicals on a pasture located on plaintiff's property above described, at the request of JASON VOS, who rented the pasture from the plaintiff. The chemicals were intended to reduce weed growth in the pasture area.
4. The plaintiff had a pecan orchard on the same property, consisting of approximately 590 pecan trees that he had planted for commercial profit, and found, almost immediately, that many of his pecan trees were dying. After investigation by the Oklahoma Department of Agriculture it was determined that the pecan trees had been poisoned by the herbicide chemicals sprayed by the defendants' employees and agents.
5. Subsequent to the said investigation by the Oklahoma Department of Agriculture, the defendants were informed of the findings and other irregularities connected with the application and asked to respond, but have never done so as of the date of this petition.
6. Plaintiff further alleges that at this date, he has lost approximately 85% of his pecan trees to the herbicide sprayed by the defendants, and may lose up to 100%, and that his loss may be in excess of \$300,000.00 for the replacement of the existing trees, transportation and labor expenses and lost production of pecans.

7. Plaintiff further alleges that the defendant, their employees and agents were negligent in the above described application of the herbicides sprayed on or about May 31st, 2018, in the following particulars.
 - A. The defendants' employee had been directed by JASON VOS, not to apply any chemicals unless he was present, and they applied the chemicals prior to his arrival.
 - B. The defendants' employees had been directed by JASON VOS not to apply any chemicals near the plaintiff's pecan trees or if the winds were too high or might cause the chemicals to drift towards the plaintiff's pecan trees.
 - C. The application was made at a time, determined by the Oklahoma Department of Agriculture, that the winds were blowing at 16 miles per hour, with gusts of up to 20 to 30 miles per hour, causing the herbicide to drift in and upon the plaintiff's pecan trees.
 - D. The chemical used by the defendants' employees was to be applied with a 250 foot buffer from any sensitive vegetation, and not to be applied at winds above 15 miles per hour, according to the chemical label for the product applied. They were within less than 200 feet.
 - E. In addition, the defendants' were not licensed to apply chemicals from their Burk Burnett, Texas, location, which is a violation of OSDA regulations and state statutes.
8. Plaintiff further alleges that Defendants acted with a reckless disregard to the rights of the Plaintiff by failing to properly apply their herbicide, acted intentionally and with malice towards the plaintiff by so doing, and by so doing are subject to an award of punitive damages, pursuant to Title 23, O. S., § 9.1.

WHEREFORE, Defendants' pray this Court upon discovery and trial in this matter award the plaintiff damages from the defendants, in the amount above described, punitive damages, and that this Court further award to the Plaintiffs' reasonable attorney fees and the court costs herein and any other and further relief as may be equitable and just..

G. GREGORY GRIFFIN, Plaintiff,

By:


(William W. Eakin) OBA # 2588
Attorney for Plaintiff
124 East Broadway Avenue
Waurika, OK 73573-2210
(580) 228-3514

VERIFICATION

STATE OF OKLAHOMA)
COUNTY OF JEFFERSON)
SS.

G. GREGORY GRIFFIN, of lawful age, being first duly sworn upon oath, deposes and states: That he is the Plaintiff above named; that he has read the within and foregoing, understands the contents thereof, and that the matters and things stated therein are true and correct, according to his best information and belief.

G. Gregory Griffin
(G. GREGORY GRIFFIN)
Plaintiff

(SEAL)

Subscribed and sworn to before me, this 1 day of May, 2019.

Carole Eakin
Notary Public

My commission expires: 11-24-20

